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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of)

Jesse A. Branch III)

Filing Date: March 23, 2004)

Application Serial No. 10/805,801)

For: Forked Hammock Support Structure)

Gay Spahn
Examining Attorney
Art Unit 3673

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The Honorable Commissioner
for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE

Sir:

Responsive to the Office Action of June 2, 2006, applicant submits herewith an Appeals Brief, which has been redrafted pursuant to the Primary Examiner's suggestions.

Applicant is satisfied with its argument, as originally presented.

Respectfully submitted,

Gipple & Hale

By: 

Name: J. W. Gipple, Esq.

Patent Office No. 18906

Title: Attorney for Applicant

Date: June 21, 2006

Attorney Ref. X-9454

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APPEAL BRIEF

REAL PARTY IN INTEREST

The real party of interest in this appeal is the applicant's assignee Hatteras Hammocks, Inc., a North Carolina corporation having a place of business at 1104 Clark Street, Greenville, North Carolina 27834. The assignment was recorded March 23, 2004 at Reel/Frame 015131/0533.

RELATED APPEALS AND INTERFERENCES

There are no other appeals of interferences known to Applicant, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

STATUS OF THE CLAIMS

Claims 1-5 stand cancelled. Claims 6-10 stand rejected and the rejection for these claims is being appealed

SUMMARY OF THE CLAIMED SUBJECT MATTER

Claim 6 discloses a hammock support structure comprising:

a plurality of round or tubular sections (2-4, 7, 8) which can be assembled into an arc shaped stand (Fig. 2) for supporting a hammock, and foot supports (7, 8) attached to the bottom surface of said stand and extending perpendicularly outward therefrom,

the arc shaped stand (Fig. 2) being formed of a bottom mid section (2), and end sections (3, 6) attached to opposite ends of the said bottom mid section (2) and extending upwardly and outwardly therefrom,

at least one of said end sections (6), being divided, at a point commencing at or near one (8) of said foot supports (7,8), to form two or more prong sections (4A, 4B) extending upwardly and outwardly from said foot support means (24A, 24B) for supporting said hammock attached toward the outer ends of said prong sections 4A, 4B),

detachable means to secure said arc shaped stand to said foot supports (7, 8).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

“The ground of rejection to be reviewed in this appeal is the rejection of claims 6-10 under 35 U.S.C. 103(a) as being unpatentable over Clark (U.S. Patent Application 2004/0244112 or U.S. Patent Application No. 2005/0015876) in view of any one of Hoffman ‘211 (U.S. Patent No. 4,673,211), Hoffman ‘130 (U.S. Patent No. 5,362,130, or Mourot (U.S. Patent No. 2,888,689).”

ARGUMENT

I. Applicant traverses the Examiner’s rejection of Claims 6-10 under 35 U.S.C. 103(a) over the cited prior art of Clark, in view of Hoffman or Mourot.

In the Office Action of July 26, 2005, the Examiner asserts

“However, Clark fails to explicitly disclose that at least one of said end sections, being divided, at a point commencing at or near one of said foot supports, to form two or more prong sections extending upwardly and outwardly from said foot support and means for supporting said hammock attached toward the outer ends of said prong sections.

Any one of Hoffman ‘211, Hoffman ‘130 or Mourot disclose chairs or other articles of furniture which have forked or divided end sections, the divisions commencing either at or near a foot support to form two or more prong sections extending upwardly and outwardly from the foot support and means for supporting said hammock attached toward the outer ends of said prong sections.”

However, it is clear that the Mourot and Hoffman patents have no foot supports. So, while they may disclose a forked or divided end section, such sections clearly do not commence at or near a foot support. An essential aspect of the present invention is the positioning of the forked end section relative to the foot support. It provides the stability so important in a hammock stand.

II. The Examiner has improperly refused entry of the Amendment after Final on the grounds that the amended claims raise new issues that would require further consideration and/or search.

The Examiner has alleged that claims amended after Final pursuant to the Examiner's specific request raise new issues that would require further consideration and/or search. The proposed claims 11-14, are simply 6-10, amended to address objections raised by the Examiner in the Office Action of July 26, 2005.

III. There was no new matter requiring any additional search or examination and Applicant was simply responding to the suggestions set forth in the Examiner's Final Office Action.

These amendments should have been entered to place the application in better condition for appeal.

Respectfully submitted,

Gipple & Hale

By: _____

Name: J. W. Gipple, Esq.

Patent Office No. 18906

Title: Attorney for Applicant

Date: _____

Attorney Ref. X-9454

CLAIMS APPENDIX

1. (Canceled)
2. (Canceled)
3. (Canceled)
4. (Canceled)
5. (Canceled)
6. (Rejected) A hammock support structure comprising:
 - a plurality of round or tubular sections which can be assembled into an arc shaped stand for supporting a hammock, and foot supports attached to the bottom surface of said stand and extending perpendicularly outward therefrom the arc shaped stand being formed of a bottom mid section, and end sections, attached to opposite ends of the said bottom mid section and extending upwardly and outwardly therefrom.
 - at least one of said end sections, being divided, at a point commencing at or near one of said foot supports, to form two or more prong sections extending upwardly and outwardly from said foot support.
 - means for supporting said hammock attached toward the outer ends of said prong sections.
 - detachable means to secure said arc shaped stand to said foot supports.
7. (Rejected) The structure of claim 6, wherein the said detachable means to secure are saddling wedges.

8. (Rejected) The structure of claim 7, wherein said bottom mid section and said end sections have at their joints aligned apertures which form a shaft through said stand and which align with corresponding apertures in said saddling wedges and said foot supports.
9. (Rejected) The structure of claim 8, wherein a bolt is inserted into the said shaft extending through said joint between sections of the stand, and aligned apertures in the saddling wedges and foot supports, and secured with a nut.
10. (Rejected) The structure of claim 9, wherein at least one end of said bottom mid section of end prong which extend upwardly and outwardly from said prongs to provide a plurality of support means toward the outer ends of said prongs.

RELATED APPEALS AND INTERFERENCES APPENDIX

None

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None



Certificate of Mailing

I hereby certify that this paper is being deposited with the U. S. Postal Service,
First Class, to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-
1450 on June 21, 2006.

Date: 6/21/06

Signature: J. W. Gipple